APPENDIX.

IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT.

No. 9293.

ALVA B. DAVIS, *Appellant*,

vs.

UNITED STATES OF AMERICA, *Appellee*.

Appeal from the District Court of the United States for the Northern District of Texas.

(June 28, 1940.)

Before Foster, Hutcheson and Holmes, Circuit Judges.

FOSTER, *Circuit Judge:*

Appellant, Alva B. Davis, and L. J. Summerfield, were convicted on 13 counts of an indictment charging fraudulent use of the mails and were given general sentences of two years imprisonment. Summerfield has not appealed.

The fraudulent scheme charged was the selling of land in Brewster and Presidio counties, Texas, for approximately $10 an acre, to about 1000 purchasers, through misrepresentations as to its future potential unknown mineral possibilities and its value for agricultural purposes, when in truth the land was not worth over $1.00 to $1.50 an acre. The case was tried by the judge without intervention of a jury. The printed record consists of some 550 pages but we will not attempt to review the evidence as it is not suggested it was insufficient to support the conviction. The errors assigned are purely technical and do not affect the substantial rights of appellant. Furthermore, they are without merit.

The record presents no reversible error. 28 U. S. C. A. Section 391. The judgment is Affirmed.